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09/532,804	03/21/2000	Khalid Monir A. El-Rafie	03941.86972	7370

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EXAMINER

EDELMAN, BRADLEY E

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 11/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/532,804

Applicant(s)

EL-RAFIE, KHALID MONIR A.

Examiner

Bradley Edelman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 10-23 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☒ Interview Summary (PTO-413) Paper No(s) 8.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

This Office action is in response to Applicant's election filed on November 3, 2003. Applicant elected claims 1-9 and 24 to be examined. Claims 10-23 and 25 are hereby withdrawn from consideration, since they are drawn to non-elected claims.

### ***Interview Summary***

Because of an apparent typographical error in claims 7 and 9, Examiner called Applicant's representative to inquire as to whether the claims were in fact numbered incorrectly. As filed, claim 7 depended from claim 10, and claim 9 depended from claim 12. It was apparent from the claim language that claim 7 was intended to depend from claim 6, and claim 9 was intended to depend from claim 8. Applicant's representative confirmed this interpretation, and thus claims 7 and 9 have been examined in light of this mistake, as discussed below.

### ***Specification***

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. Page 6, line 15 of the specification includes the hyperlink "<http://www.cnn.com>".

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a) because they fail to show Fig. 6A as described in the specification. On page 5, line 1 of the specification, the brief description of the drawings describes a "Fig. 6A." However, Examiner was unable to find any reference to Fig. 6A in either the detailed description of the invention or the figures themselves. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction, or corrected drawings, or amendment of the specification removing the reference to Fig. 6A is required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 3, 6, 7, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In considering claim 3, the phrase "the second driver is configured to web page request data" on line 4 is unclear and appears to be missing a verb. It appears that the phrase should read "the second driver is configured to *send* web page request data."

Appropriate correction is required.

In considering claim 6, the phrase "such that access across the Internet are returned" on line 4 contains incorrect grammar. It appears that perhaps the phrase should read, "such that access *requests* across the Internet are returned." Appropriate correction is required.

Regarding claims 7 and 9, note that as filed, claim 7 depends from claim 10, and claim 9 depends from claim 12. This claim numbering appears to be incorrect, as both claim 7 and claim 9 lack sufficient antecedent basis (claim 7 mentions "the asymmetric satellite system of claim 10" but there is no "system" claimed in claim 10, while claim 9 mentions "the asymmetric satellite based terminal device of claim 12" but there is no "terminal device" claimed in claim 12 or claim 10 from which claim 12 depends). Thus, as presently claimed, claims 7 and 9 lack sufficient antecedent basis.

Examiner called Applicant's representative to clarify this matter, and Applicant's representative confirmed that claim 7 should have depended from claim 6, and claim 9 should have depended from claim 8. Upon submission of a formal correction, this 35 USC 112 second paragraph rejection will be withdrawn. Note that for the purposes of prior art rejections, Examiner has assumed that claim 7 depends from claim 6 and claim 9 depends from claim 8, in concordance with Applicant's confirmation, and because no other interpretation would make sense.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 6, 8, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Dillon (U.S. Patent No. 6,571,296).

In considering claim 1, Dillon discloses an asymmetric satellite based terminal device ("hybrid terminal") configured to receive Internet data from a satellite using a standard TCP/IP stack (col. 3, lines 5-17; col. 4, lines 20-25, "the described embodiment preferably operates with the SuperTCP TCP/IP package and, thus, uses a standard interface 212 between the TCP/IP software 210 and driver 114").

In considering claim 2, Dillon further discloses that the terminal device is a personal computer ("personal computer;" "hybrid terminal 110") having a modem ("modem 190"), an expansion card based satellite receiver ("satellite receiver 180") and an operating system (inherent) including the standard TCP/IP stack (col. 3, line 45 – col. 4, line 23), a first driver configured to access the expansion card based satellite receiver ("satellite driver 220"), and a second driver configured to access the modem ("driver 114") (col. 4, lines 10-14; col. 6, lines 26-34);

Wherein the first driver routes data from the satellite receiver card to the standard TCP/IP stack and the second driver routes data from the standard TCP/IP stack to the modem via the second driver, thereby enabling asymmetric satellite communication (col. 6, lines 26-34).

In considering claim 6, as understood, Dillon discloses an asymmetric satellite system comprising a network operations center ("hybrid gateway 150"), an internet having a plurality of hosts ("application server 140"), and a terminal device ("hybrid terminal") located at a distance from the network operations center and configured to utilize an IP address belonging to the network operations center ("destination address corresponding to hybrid gateway 150") such that access requests across the Internet are returned to the network operations center (col. 5, lines 1-22; 48-50).

In considering claim 8, Dillon discloses an asymmetric satellite based terminal device configured to utilize an IP address belonging to a network operations center (see explanation regarding claim 6 above).

In considering claim 24, Dillon discloses a method comprising configuring an Internet service provider ("SLIP provider 130") to return data requested by users from resources which are connected to a first hop via terrestrial links ("request from hybrid terminal 110 is carried through the Internet 128 to application server 140") and to return data requested by the users from resources which are connected to a second hop via a

satellite link ("a response of application server 140 is carried back to the user at a hybrid terminal 110 via the satellite link"). See col. 4, lines 35-50.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3-5, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon, in view of Butler et al. (U.S. Patent Application No. 2002/0007493, hereinafter "Butler").

Note that for the purposes this rejection, Examiner has assumed that claim 7 depends from claim 6 and claim 9 depends from claim 8, in concordance with Applicant's confirmation, and because no other interpretation would make sense.

In considering claim 3, as understood, Dillon further discloses a network operations center ("hybrid gateway 150") located at a distance from the terminal device, and an internet having a plurality of remote hosts ("application server 140") wherein the second driver is configured to send file request data to the remote hosts with a return address of the network operations center (col. 5, lines 1-22, "in driver 114... the IP packet is encapsulated... [t]he encapsulation adds... a destination address corresponding to hybrid gateway 150"). However, Dillon does not specifically describe that the requested data is web page data. Dillon describes that files (i.e. FTP) are

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downloaded, but does not otherwise focus on the type of data requested. Nonetheless Dillon contemplates using the asymmetric terminal device for large downloads and high-speed transfers of information (see col. 1, lines 1-31), and the use of satellite links to download web page data is well known, as evidenced by Butler. In a similar art, Butler discloses a satellite distribution system for PCs, wherein users can request to and receive HTML data over the satellite network (Abstract). Thus, given the teaching of Butler, a person having ordinary skill in the art would have readily recognized the desirability and advantages of using the Dillon system to download web page data, so that system users can view large web pages in addition to downloading large files, and can thus gain access to the millions of pages of information available on the Web. Therefore, it would have been obvious to include web page data for download, as taught by Butler, in the system taught by Dillon.

In considering claim 4, Dillon further discloses that the operations center is configured to encapsulate data output to the terminal device from the network operations center (col. 5, lines 48-50). However, Dillon does not disclose that the data is MPEG-2 data. Dillon describes that files (i.e. FTP) are downloaded, but does not otherwise focus on the type of data requested. Nonetheless Dillon contemplates using the asymmetric terminal device for large downloads and high-speed transfers of information (see col. 1, lines 1-31), and the use of satellite links to download MPEG-2 data is well known, as evidenced by Butler. In a similar art, Butler discloses a satellite distribution system for PCs, wherein users can request to and receive MPEG-2 data

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over the satellite network (Abstract; ¶ [0015]). Thus, given the teaching of Butler, a person having ordinary skill in the art would have readily recognized the desirability and advantages of using the Dillon system to download MPEG-2 data, so that system users can view video in addition to downloading large files. Therefore, it would have been obvious to include MPEG-2 data for download, as taught by Butler, in the system taught by Dillon.

In considering claim 5, as discussed with regard to claim 3, Butler discloses downloading web pages in the satellite distribution system (Abstract). It would have been obvious to a person having ordinary skill in the art to include web page data for download, as taught by Butler, in the system taught by Dillon, so that a user could download large web pages in addition to FTP files, and can thus gain access to the millions of pages of information available on the Web.

In considering claims 7 and 9, Dillon further discloses that the terminal device is a personal computer ("personal computer;" "hybrid terminal 110") having a modem ("modem 190"), an expansion card based satellite receiver ("satellite receiver 180") and an operating system (inherent) including the standard TCP/IP stack (col. 3, line 45 – col. 4, line 23), and an application program for assigning the IP address as a return address of the terminal device (col. 4, lines 20-24, 35-45, wherein the terminal is assigned a satellite IP address for receiving responses), wherein the terminal device is configured to issue requests for files with a return address of the network operations center (col. 4,

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lines 41-45; col. 5, lines 23-26, wherein the terminal is also assigned another IP address, which is used to access hybrid gateway 150).

However, as previously stated, Dillon does not explicitly state that the system is used for downloading Web pages. Nonetheless, as discussed with regard to claim 3, Butler discloses downloading web pages in the satellite distribution system (Abstract). It would have been obvious to a person having ordinary skill in the art to include web page data for download, as taught by Butler, in the system taught by Dillon, so that a user could download large web pages in addition to FTP files, and can thus gain access to the millions of pages of information available on the Web.

4. Claims 3-5, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon, in view of LaJoie et al. (U.S. Patent No. 5,850,218, hereinafter "LaJoie").

Note that for the purposes this rejection, Examiner has assumed that claim 7 depends from claim 6 and claim 9 depends from claim 8, in concordance with Applicant's confirmation, and because no other interpretation would make sense.

In considering claim 3, as understood, Dillon further discloses a network operations center ("hybrid gateway 150") located at a distance from the terminal device, and an internet having a plurality of remote hosts ("application server 140") wherein the second driver is configured to send file request data to the remote hosts with a return address of the network operations center (col. 5, lines 1-22, "in driver 114... the IP packet is encapsulated... [t]he encapsulation adds... a destination address corresponding to hybrid gateway 150"). However, Dillon does not specifically describe

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that the requested data is web page data. Dillon describes that files (i.e. FTP) are downloaded, but does not otherwise focus on the type of data requested. Nonetheless Dillon contemplates using the asymmetric terminal device for large downloads and high-speed transfers of information (see col. 1, lines 1-31), and the use of satellite links to download web page data is well known, as evidenced by LaJoie. In a similar art, LaJoie discloses a different satellite distribution system for set-top terminals, wherein web page data is downloaded via a satellite link according to a user request (Abstract). Thus, given the teaching of LaJoie, a person having ordinary skill in the art would have readily recognized the desirability and advantages of using the Dillon system to download web page data, so that system users can view large web pages in addition to downloading large files, and can thus gain access to the millions of pages of information available on the Web. Therefore, it would have been obvious to include web page data for download, as taught by LaJoie, in the system taught by Dillon.

In considering claim 4, Dillon further discloses that the operations center is configured to encapsulate data output to the terminal device from the network operations center (col. 5, lines 48-50). However, Dillon does not disclose that the data is MPEG-2 data. Dillon describes that files (i.e. FTP) are downloaded, but does not otherwise focus on the type of data requested. Nonetheless Dillon contemplates using the asymmetric terminal device for large downloads and high-speed transfers of information (see col. 1, lines 1-31), and the use of satellite links to download MPEG-2 data is well known, as evidenced by LaJoie. In a similar art, LaJoie discloses a different

satellite distribution system for set-top terminals, wherein MPEG-2 data is downloaded via a satellite link according to a user request (Abstract; col. 11, lines 20-35). Thus, given the teaching of either LaJoie, a person having ordinary skill in the art would have readily recognized the desirability and advantages of using the Dillon system to download MPEG-2 data, so that system users can view video in addition to downloading large files. Therefore, it would have been obvious to include MPEG-2 data for download, as taught by LaJoie, in the system taught by Dillon.

In considering claim 5, as discussed with regard to claim 3, LaJoie discloses downloading web pages in the satellite distribution system (Abstract). It would have been obvious to a person having ordinary skill in the art to include web page data for download, as taught by LaJoie, in the system taught by Dillon, so that a user could download large web pages in addition to FTP files, and can thus gain access to the millions of pages of information available on the Web.

In considering claims 7 and 9, Dillon further discloses that the terminal device is a personal computer ("personal computer;" "hybrid terminal 110") having a modem ("modem 190"), an expansion card based satellite receiver ("satellite receiver 180") and an operating system (inherent) including the standard TCP/IP stack (col. 3, line 45 – col. 4, line 23), and an application program for assigning the IP address as a return address of the terminal device (col. 4, lines 20-24, 35-45, wherein the terminal is assigned a satellite IP address for receiving responses), wherein the terminal device is configured

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to issue requests for files with a return address of the network operations center (col. 4, lines 41-45; col. 5, lines 23-26, wherein the terminal is also assigned another IP address, which is used to access hybrid gateway 150).

However, as previously stated, Dillon does not explicitly state that the system is used for downloading Web pages. Nonetheless, as discussed with regard to claim 3, LaJoie discloses downloading web pages in the satellite distribution system (Abstract). It would have been obvious to a person having ordinary skill in the art to include web page data for download, as taught by LaJoie, in the system taught by Dillon, so that a user could download large web pages in addition to FTP files, and can thus gain access to the millions of pages of information available on the Web.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Edelman whose telephone number is (703) 306-3041. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

For all correspondences: (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

*Bradley Edelman*

BE

November 10, 2003